

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 108

HOUSE BILL 2214

AN ACT

AMENDING SECTION 32-1289, ARIZONA REVISED STATUTES; RELATING TO DENTISTRY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-1289, Arizona Revised Statutes, is amended to read:

32-1289. Employment of dental hygienist by public agency, institution or school; definitions

A. A public health agency or institution or a public or private school authority may employ dental hygienists to perform necessary dental hygiene procedures under either direct or general supervision pursuant to section 32-1281.

B. A dental hygienist employed by OR WORKING UNDER CONTRACT OR AS A VOLUNTEER FOR a public health agency or institution or a public or private school authority may ~~screen patients~~ before an examination by a dentist SCREEN PATIENTS AND APPLY TOPICAL FLUORIDE without entering into an affiliated practice relationship pursuant to this section.

C. A public health agency or institution, a public or private school authority or government sponsored program that provides dental services may enter into a contract for dental hygiene services with licensees who have entered into an affiliated practice relationship pursuant to this section.

D. The dental hygienist and the affiliated dentist must notify the board of the beginning of the affiliated practice relationship and provide the board with a copy of the agreement and any amendments to the agreement within thirty days after the effective date of the agreement or amendment. The dental hygienist and the affiliated dentist must also notify the board within thirty days after the termination date of the affiliated practice relationship if this date is different than the contract termination date.

E. A dental hygienist must satisfy all of the following to be eligible to enter into an affiliated practice relationship with a dentist to perform dental hygiene procedures in affiliated practice settings:

1. Hold an active license pursuant to this article.

2. Enter into an affiliated practice relationship with a specific dentist who is licensed pursuant to this chapter.

3. Have held a license as a dental hygienist for at least five years and actively engaged in dental hygiene practice for at least two thousand hours in the five years immediately preceding the affiliated practice relationship.

F. An affiliated practice relationship between a dental hygienist and a dentist must be in writing and must include at least the following:

1. An identification of the affiliated practice settings in which the dental hygienist may engage in dental hygiene practice pursuant to an affiliated practice relationship.

2. An identification of the procedures and standing orders the dental hygienist must follow. The standing orders must include the circumstances in which a patient may be seen by a dental hygienist.

1 3. A requirement that the dental hygienist refer patients who have
2 been assessed by the dental hygienist to the affiliated dentist for treatment
3 or planning that is outside of the dental hygienist's scope of practice and
4 that the affiliated dentist make any necessary referrals to other
5 dentists. If the patient has not received the treatment or planning for
6 which the referral was made, the dental hygienist shall not provide further
7 treatment.

8 4. A requirement that the patient be informed that the dental
9 hygienist providing the care is a licensed dental hygienist and that the care
10 does not take the place of a dental examination.

11 G. The board shall adopt rules regarding participation in affiliated
12 practice relationships by dentists and dental hygienists that specify the
13 following:

14 1. Additional continuing education requirements that must be satisfied
15 by a dental hygienist.

16 2. Additional standards and conditions that may apply to affiliated
17 practice relationships.

18 3. Compliance with the dental practice act and rules adopted by the
19 board.

20 H. Each dentist in an affiliated practice relationship must:

21 1. Be available to provide an appropriate level of contact,
22 communication and consultation with the affiliated dental hygienist.

23 2. Adopt standing orders applicable to dental hygiene procedures that
24 may be performed by the dental hygienist under the terms of the applicable
25 affiliated practice agreement and to be followed by the dental hygienist in
26 each affiliated practice setting in which the dental hygienist performs
27 dental hygiene services under the affiliated practice relationship.

28 I. Each affiliated dental hygienist when practicing under an
29 affiliated practice relationship:

30 1. May perform only those duties within the terms of the affiliated
31 practice relationship.

32 2. Must maintain an appropriate level of contact, communication and
33 consultation with the affiliated dentist.

34 3. Is responsible and liable for all services rendered by the dental
35 hygienist under the affiliated practice relationship.

36 J. Subject to the terms of the written affiliated practice agreement
37 entered into between a dentist and a dental hygienist, a dental hygienist may
38 perform all dental hygiene procedures authorized by this chapter except for
39 the procedures identified in section 32-1281, subsection B, paragraphs 4, 5
40 and 6.

41 K. Subject to the terms of the written affiliated practice agreement
42 entered into between a dentist and a dental hygienist, a dental hygienist may
43 perform dental hygiene procedures in affiliated practice settings only on a
44 person who is eighteen years of age or younger and who is:

45 1. Enrolled in a federal, state, county or local health care program.

- 1 2. Participating in the national school meal program.
- 2 3. From a family with a household income that is less than two hundred
- 3 per cent of the federal poverty guidelines.
- 4 L. This section does not require any dentist or dental hygienist to
- 5 enter into an affiliated practice relationship.
- 6 M. For the purposes of this section:
- 7 1. "Affiliated practice setting" means the delivery of dental hygiene
- 8 services by a dental hygienist under an affiliated practice relationship
- 9 through a public health agency or institution, a public or private school
- 10 authority or a government sponsored program that provides dental services.
- 11 2. "Screen" means visually examining the teeth and hard or soft tissue
- 12 of the mouth for obvious oral health problems for the purpose of advising the
- 13 patient of the need for dental care, and shall not include diagnosis or
- 14 treatment planning.

APPROVED BY THE GOVERNOR APRIL 12, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2006.